

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2348 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

PATEL KARTISHKUMAR MANUBHAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 2348 of 2002
MR RAMNANDAN SINGH for Petitioner No. 1
MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 19/02/2002

ORAL JUDGEMENT

1. Rule. Mr.D.N.Patel waives service of rule on behalf of respondent No.1. By consent rule is fixed forthwith.

2. Heard Mr.Singh for the petitioner and Mr.Patel for the respondent - authority. The petitioner has approached this court for seeking relief that the respondent be directed to make necessary change in the birth date of the petitioner from 2.5.71 to 6.11.71 in the Passport, as according to the petitioner,when the petitioner has approached for Passport earlier, petitioner has placed reliance upon the School Leaving Certificate issued by Sardar Patel Vinay Mandir, Vasad showing the birth date of the petitioner as 2.5.71. The School Leaving Certificate is at Annexure "B" to this petition, which was issued on 31.3.99. The application for passport was submitted by the petitioner to the authority and on considering the documents, the passport authority has issued passport in favour of the petitioner on 26.2.90 and the birth date of the petitioner was shown as 2.5.71. It is the case of the petitioner that even after the expiry of the passport, petitioner has also renewed his passport and the renewed passport was also issued showing the date of birth of the petitioner as 2.5.71. It is the case of the petitioner that the petitioner had to approach the respondent - authority for correcting the birth date of the petitioner as the birth date of the petitioner as recorded in the birth register maintained by the Panchayat shows that the petitioner's name was registered at Sr.No.99 showing the birth date of the petitioner as 6.11.71 and the name of the petitioner was not shown. However, in column No.5-B, the name of the father of petitioner was shown.This certificate was issued by Talati Cum Mantri from their record maintained by them in the form of Register pertaining to November 1971. As the petitioner has received Visa call from the Consulate General,the petitioner has to get the birth date changed in the passport and accordingly the petitioner had submitted an application to the respondent authority for effecting change of his birth date in the passport and the petitioner has also annexed the School Leaving Certificate as well as the Certificate issued by the Talati Cum Mantri.

3. The respondent - authority has not accepted the application form of the petitioner on the ground that as there is difference in date of birth in the two documents, namely, School Leaving Certificate as well as the Certificate issued by the Panchayat authority, under Rule it is not possible for the authority to effect change as requested by the petitioner,unless and until petitioner obtains necessary orders from the competent court. The petitioner has also annexed the xerox copy of the affidavit of Ms. Rajeshwariben-mother of the petitioner dated 1.2.2002, wherein she has deposed that

she had given birth of one male child on 6.11.71 at village Vadod. Admittedly when the first passport and renewed passport were issued in favour of the petitioner, the petitioner had not produced the Certificate of the village Panchayat and it is very likely that the petitioner might have obtained this certificate recently. It is true that the authority, who had issued the certificate, had not furnished any date of issue of such certificate. However, it will be in the fitness of things to direct the respondent - authority to consider the request made by the petitioner for effecting change in date of birth in the passport when the petitioner has placed reliance upon the birth certificate issued by Panchayat authority. The respondent authority is also accordingly directed to consider the request of the petitioner, if the authority finds that the certificate is genuine and the petitioner is required to satisfy the authority by producing all materials for effecting change of date of birth of the petitioner in his passport. The petitioner is required to comply with such direction issued by the authority. Accordingly the respondent authority is directed to examine the application of the petitioner and decide the same in accordance with law.

4. With these observations, the petition is disposed of. Rule is made absolute. Direct service is permitted.

Dt:19.2.2002 (D.K.Trivedi,J)

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